

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figures 1A-B, 2, and 3. These sheets, which include Figures 1A-B, and 2-4, replace the original sheets including Figures 1A-B and 2-4.

Attachment: Replacement Sheets

REMARKS

By this amendment, claims 27-28, 30-40, and 54-66 are pending in the present application. Claims 1-26, 29 and 41-53 have been cancelled by the present amendment. Claims 27-28 and 30-40 have been amended and claims 54-66 have been added.

Claims 1, 14, 15 and 23-25 are objected to because of various informalities. Claims 1, 14, 15 and 23-25 have been cancelled, thereby rendering the objection moot.

Claims 1-3 and 5-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ozaki et al. (U.S. Patent No. 5,572,507) and further in view of Saki et al. (U.S. Patent Publication No. 2003/0117920). Claims 1-3 and 5-26 have been cancelled by the present amendment, thus rendering the rejection moot.

Claims 27-30, 32-36, 38-44, 46-51 and 53 are rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki (European Patent No. 1067540 A2) and further in view of Ozaki.

According to the new Examination Guidelines for Determining Obviousness under 35 U.S.C. § 103 in view of the Supreme Court decision of *KSR International, Co. v. Teleflex, Inc.* it is stated that the proper analysis for a determination of obviousness is whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. The key to supporting to any rejection under 35 U.S.C. § 103 is the clear articulation of the reasons why the claimed invention would have been obvious. An Office Action must explain why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. See 72 Fed. Reg. 57526, 57528-529 (Oct. 10, 2007).

The Applicant respectfully asserts that a *prima facie* case of obviousness has not been made with respect to amended claim 27 because there has been no clear articulation of why the claimed combination would have been obvious.

For example, amended claim 27 recites a recording medium including, among other things, a “first area for storing control information required basically for recording or reproducing user data; and second area for storing copy protection information for use in generating or processing copy protected user data, the copy protection information being formed as a wobbled pattern and being repeated in a specific data unit, wherein the control information in the first area and the copy protection information in the second area are recorded separately.” Neither Suzuki nor Ozaki, either separately or in combination, teach or suggest or otherwise render obvious such a recording medium.

Certain advantages to such a data medium can be achieved. For example, in some example and non-limiting embodiments, when the control information and the copy protection information are recorded separately, the control information and the copy protection information can be detected separately and the copy protection information can be detected more accurately. Further, owing to the feature that the copy protection information is repeated in a specific data unit, the reliability and security of the copy protection information can be enhanced.

Because neither Suzuki nor Ozaki, either separately or in combination, teach or suggest or otherwise render obvious a recording medium including the features quoted above, the Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) of claim 27 and its dependent claims 28-30, 32-34 be removed.

The Applicant respectfully notes that independent claim 35 contains language similar, albeit adapted to the format of a method claim, to that discussed above with respect to claim 27. Therefore, Applicant respectfully asserts that independent claim 35 and its dependent claims 36-40 are patentable at least for the reasons set forth above with respect to claim 27. Therefore, Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) of claims 35-40 be removed.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 27-28, 30-40 and 54-66 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a three (3) month extension of time for filing a reply to the outstanding Office Action and submit the required \$1,050 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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